

\$103(a), as being obvious over the Eldridge et al. patent or the Tormala et al. published application in view of a U.S. patent to Titone et al. (ref. No. 4,871,365); claims 49 and 51-53 were rejected under 35 U.S.C. \$103(a), as being obvious over the Tormala et al. published application in view of a U.S. patent to Dumican (ref. No. 4,871,365); and claim 50 was rejected under 35 U.S.C. \$103(a), as being obvious over the Tormala et al. published application in view of the patent to Dumican, and further in view of the Titone et al. patent. Additionally, the Examiner objected to claims 30-73 because of informalities.

By this Response and Amendment:

claims 31, 33, 35, 37, 39, 44, 45, 47, 48 and 58 are canceled thereby rendering their rejections and objections moot;

claim 30 is amended by incorporating the limitations of claims 31, 33, 35, 37, 39, 44, 45, 47, 48 and 58, and as amended its rejection and the rejections of those claims dependent thereon under 35 U.S.C. 102(b) and 102(e) are traversed;

claim 71 is amended to bring it in conformity with U.S. practice;

the rejections of independent claim 67 and the rejections of those claims dependent thereon under 35 U.S.C. 102(b) and 102(e) are traversed;

claim 46 is amended to obviate its rejections under 35 U.S.C. 112, second paragraph;

the rejections of claims 40-42, 49-53, 55, 63, 66, 67 and 73 under 35 U.S.C. 103(a) are traversed; and

claims 30, 32, 34, 36, 38, 40-43, 46, 49-57 and 59-73 are also amended to obviate their objections.

It is respectfully submitted that the above amendments do not introduce any new matter to this application within the meaning of 35 U.S.C. § 132.

In particular, support for the amendment to claim 30 is found in the originally filed claims 31, 33, 35, 37, 39, 44, 45, 47, 48 and 58.

**Rejections of claims under 35 U.S.C. § 102(b)**

The Examiner rejected claims 30, 35-39, 41-48, 54, 65 and 67-72 under 35 U.S.C. § 102(b) as being anticipated by Tormala et al. (WO 99/51163), as follows:

Tormala et al. disclose a hernia mesh that comprises a rapidly degradable first layer and more slowly degradable second layer (page 3, lines 4-5). The layers are formed from knitted fabrics into a porous mesh (page 6, lines 6-9). The two layers have different pore structures, where the first layer has pores between 50 and 1000 microns (page 5, line 14) and the second layer has pores between 0.1 to 2.0 millimeters (page 5, lines 18-19). With regard to claim 45, the pores of the two knitted fabrics would not be aligned with one another because of the difference in pore sizes between the two

layers. With regard to claim 48, the pore sizes of the meshes would increase as the material is absorbed in the body.

### Response

Claims 35, 37, 39, 44, 45, 47 and 48 have been canceled thereby rendering their rejections moot.

Claim 30 has been amended to obviate its rejection, and the rejection of independent claim 67 is respectfully traversed.

The test for anticipation under section 102 is whether each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

*Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP §2131. The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

The present invention, as presently claimed in independent claim 30 as amended, is directed to a planar implant formed from at least two substantially independently constructed textile fabric structures, which are firmly interconnected over an entire surface of the implant to form a composite structure. Substantially all components of the composite structure are formed from monofilaments, with a monofilament having a thickness of 10 to 500

µm. Each individual textile fabric structure is formed as a net structure, and at least two nets are provided which have a substantially different structure, at least one fabric structure having openings, or pores. The textile fabric structures are interconnected by knitting, and are so mutually associated that their pores are not aligned. The implant is at least partly absorbable in vivo, such that by in vivo degradation of an absorbable material, it is possible to increase the pore sizes of the implant. The implant has a bursting pressure of 100 to 300 kPa.

Independent claim 67 of the present invention claims a method of manufacturing a planar implant by forming at least two independent textile fabric structures and **joining said textile fabric structures over their surface area** to form a composite structure.

In contrast, the Tormala et al. published application only discloses a hernia mesh with two layers of fabric, these two layers being fixed to each other by sewing (see page 7, lines 7-8 and page 8, line 2).

Tormala et al. does not disclose the two layers of fabric being firmly interconnected over the entire surface of the implant to form a composite structure as claimed in claim 30; or interconnected over their surface as claimed in claim 67. Tormala et al. does not disclose the fabric structures interconnected by

knitting. Tormala et al. does not disclose that the fabric structures are so mutually associated that their pores are not aligned. Tormala et al. does not disclose a bursting pressure of 100 to 300 kPa.

Regarding the Examiner's assertion that in Tormala et al. "the two knitted fabrics would not be aligned with one another because of the difference in pore sizes between the two layers", Applicants respectfully submit that Tormala et al. does not disclose that the pore sizes are different, or that the pores are not aligned. The ranges given for the size of the pores (i.e. 50-1000 microns and 100-2000 microns) do in fact allow the pores of the two layers to have the same size (between 100 and 1000 microns), and there is no teaching that the pores of the two layers must have a different size, and are not to be aligned.

Thus, Applicants submit that the Tormala et al. published application does not disclose the structure now claimed in claim 30, and the method of manufacture claimed in claim 67 of the instant application.

For the foregoing reasons Applicants submit that independent claims 30 and 67 are patentable over the Tormala et al. reference. Claims 36, 38, 41-43, 46, 54 and 65 which ultimately depend from claim 30; and claims 68-70 which ultimately depend from claim 67, are also patentable over the cited prior art for at least the same reason that claims 30 and 67 are patentable thereover.

Claim 71 has been amended to claim a method of using the apparatus now claimed in claim 30, thereby obviating the rejection over the Tormala et al. reference for at least the same reason that claim 30 is patentable thereover. Applicants submit that claim 72, which depends upon claim 71 is also patentable over the Tormala et al. reference for at least the same reason that claim 71 is patentable thereover.

Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

**Rejections of claims under 35 U.S.C. § 102(e)**

The Examiner rejected claims 30-39, 43, 44, 64 and 67-72 under 35 U.S.C. § 102(e) as being anticipated by Eldridge et al. (US patent No. 6,120,539), as follows:

Eldridge et al. disclose a prosthetic repair fabric comprising a first sheet of porous and tissue infiltratable material and a second sheet united with the first sheet (column 1, lines 44-52). The dual layer fabric may comprise two warp knit fabrics or two fabrics with different knit patterns (column 3, lines 20-28). In one embodiment, the two fabrics can comprise sheets of warp knitted polypropylene monofilament (column 1, line 65). With regard to claims 33 and 34, the reference cites fabric knitted from 0.006 inch polypropylene monofilament, which is roughly equal to 150 microns.

**Response**

Claims 31, 33, 35, 37, 39 and 44 have been canceled thereby rendering their rejections moot.

Claim 30 has been amended to obviate this rejection by including the limitations of claim 45 which was not rejected over the Eldridge et al. patent, therefore making claim 30, and claims 32, 34, 36, 38, 43 and 64 which ultimately depend upon claim 30 now patentable thereover.

Independent claim 67 of the present invention claims a method of manufacturing a planar implant by forming at least two independent textile fabric structures and **joining said textile fabric structures over their surface area** to form a composite structure.

In contrast, the Eldridge et al. patent discloses in Fig. 3 a prosthetic repair fabric made of a laminate 10 comprising two warp knit sheets 12 and 14 and a third sheet of expanded PTFE 16. The Eldridge et al. patent discloses (at column 2, lines 1-4) that the two knit sheets are "joined together by intermittent or continuous machine direction, but **laterally spaced, stitches.**" Applicants submit that the Eldridge et al. patent does not disclose "joining said textiles fabric structures over their surface area", but instead by laterally spaced stitches.

Thus, Applicants submit that the Eldridge et al. patent does not disclose the method claimed in claim 67 of the instant

application.

For the foregoing reasons Applicants submit that independent claims 30 and 67 are patentable over the Eldridge et al. reference, and consequently that claims 32, 34, 36, 38, 43 and 64 which ultimately depend from claim 30; and claims 68-70 which ultimately depend from claim 67, are also patentable over the cited prior art for at least the same reason that claims 30 and 67 are patentable thereover.

Claim 71 has been amended to claim a method of using the apparatus now claimed in claim 30, thereby obviating the rejection over the Eldridge et al. reference for at least the same reason that claim 30 is patentable thereover. Applicants submit that claim 72, which depends upon claim 71 is also patentable over the Eldridge et al. reference for at least the same reason that claim 71 is patentable thereover.

Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

**Rejections of claims under 35 U.S.C. § 103(a)**

The Examiner rejected claims 40-42, 49-53, 55-63, 66, 67 and 73 under 35 U.S.C. § 103(a), as follows:

8. Claims 55-63, 66, and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tormala et al. Tormala et al. do not disclose various claimed



properties such as weight per unit area, strength, bursting pressure, bursting elongation, extensibility, and tearing strength. However, modification of material to obtain desired values in these properties is well known in the art of making prosthetic textile fabrics. If not already inherent by the material of Tormala et al., it would have been obvious to one having ordinary skill in the art to modify the prosthetic textile fabric disclosed by Tormala et al. with the claimed properties in order to create a fabric with desired suitability for its intended use, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In *re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). With regard to claims 66 and 73, Tormala et al. do not specifically cite using the fabric in the form of a belt for supporting the female urethra. However, it is well within the knowledge of a person of ordinary skill in the art to use prosthetic textiles in various parts of the body.

9. Claims 41, 42, 55-63, 66, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eldridge et al.

With regard to claims 41 and 42, Eldridge et al. do not disclose the pore size of the knitted fabrics. It would have been obvious to one having ordinary skill in the art to manufacture the fabric with a pore size between 0.5 and 5 mm in order to create a fabric with sufficient pore space to allow tissue to grow into it, as is commonly known in the art. With regard to claims 55-63, Eldridge et al. do not disclose various claimed properties such as weight per unit area, strength, bursting pressure, bursting elongation, extensibility, and tearing strength. However, modification of material to obtain desired values in these properties is well known in the art of making prosthetic textile fabrics. If not already inherent by the material of Eldridge et al., it would have been obvious to one having ordinary skill in the art to modify the prosthetic textile fabric disclosed by Eldridge et al. with the claimed properties in order to create a fabric with desired suitability for its intended use, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In *re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). With regard to claims 66 and 73, Eldridge et al. do not specifically cite using the fabric in the form of a belt for supporting the female urethra. However, it is well within the knowledge of a person of ordinary skill in the art to use

prosthetic textiles in various parts of the body.

10. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eldridge et al. or Tormala et al. in view of Titone et al. (U.S. Patent No. 5,569,273).

Neither Eldridge et al. nor Tormala et al. disclose knitting the mesh in a hexagonal shape. Titone et al. teach a hexagonal mesh fabric used in hernia repair that provides desired performance and physical characteristics (column 1, lines 47-61). It would have been obvious to one having ordinary skill in the art to make the prosthetic fabrics of Eldridge et al. or Tormala et al. with a hexagonal shape as a matter of design choice in providing desired strength and performance characteristics, as taught by Titone et al.

11. Claims 49 and 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tormala et al. in view of Dumican (U.S. Patent No. 4,871,365).

Tormala et al. do teach manufacturing the layers of two different absorbable polymers that degrade at different rates, but do not teach one of the polymers be entirely non-absorbable. Dumican teaches a 50:50 mix of absorbable and non-absorbable material in a prosthetic implant (column 2, lines 17-33). It would have been obvious to one having ordinary skill in the art to modify the second layer of Tormala et al. from a slowly degrading polymer to a non-absorbable polymer, so that the material can be used as a prosthetic in instances where a permanent implant is required, as taught to be known by Dumican.

12. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tormala et al. in view of Dumican as applied to claim 49 above, and further in view of Titone et al. as applied to claim 40 above.

### **Response**

The rejections are respectfully traversed. Applicants incorporate by reference the arguments presented hereabove in response to the Section 102 rejections.

Applicants submit that neither Tormala et al. nor Eldridge et

al. discloses the instant invention as presently claimed in independent claims 30, 67 and 71 and therefore combinations of either of these two references with the other cited references would not achieve the structure claimed in claims 40-42, 49-53, 55-63 and 66 which ultimately depend upon claim 30; or the methods claimed in claim 67, and in claim 73 which ultimately depends from claim 71.

For the foregoing reasons Applicants submit that claims 40-42, 49-53, 55-63, 66 and 73 are also patentable over the cited prior art for at least the same reason that claims 30 and 71 are patentable thereover, and that claim 67 is also patentable over the cited prior.

Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

**Rejection of claims under 35 U.S.C. § 112, second paragraph**

The Examiner rejected claims 46 under 35 U.S.C. 112, second paragraph, as follows:

Claim 46 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 46 cites "the structure pores are openings and overlap roughly by half". How do openings overlap one another by half?

**Response**

Claim 46 has been amended to obviate the rejection. In particular, language has been added to clarify what is meant by "the structure pores are openings and overlap roughly by half."

Thus, applicant submits that claim 46 as amended is now in compliance with section 112. Accordingly, reconsideration and withdrawal of the rejection is requested.

**Objections to the claims**

The Examiner objected to claims 30-73, as follows:

Claims 30-73 are objected to because of the following informalities: The claims should be written in complete sentence form. Instead of "Flat implant", the sentence should be begin with "A flat implant". Additionally, the preamble of "Flat implant" should also be changed. The term flat implies an insignificant length in a third dimension, but a thickness of the two-layer implant is claimed in dependent claim 34. Thus, the implant would seem to be not flat at all. The Examiner would suggest other claim language, such as "planar implant" or "thin implant", depending on the manner in which the Applicant wanted to describe the implant. The claim language is confusing for claims 33, 37, 57, 64, and 65. Claim 33 introduces "a monofilament", but does not specifically associate a monofilament to the previously claimed "textile fabric structures" from claim 30. Claim 37 introduces "at least two net structures", but does not specifically associate the net structures with the previously claimed "textile fabric structures" from claim 30. Claims 57, 64, and 65 introduce "absorbable" and "non-absorbable" materials to the claims without associating them to the "textile fabric structures" from claim 30. The claims would be less confusing if they particularly pointed out the association of the new limitations, i.e. "a monofilament", "net structures", "absorbable material", and "non-absorbable material",

with the "textile fabric structures" from claim 30.  
Appropriate correction is required.

### **Response**

Claim 30, 32, 34, 36, 38, 40-43, 46, 49-57 and 59-73 have been amended to obviate the objections. Claims 31, 33, 35, 37, 39, 44, 45, 47, 48 and 58 have been canceled thereby rendering their objections moot.

In particular, all claims have been amended to form complete sentences as requested by the Examiner. Claim 51 has been amended to now depend upon claim 49 which recites "an absorbable material" and "a non-absorbable material", thereby obviating its objection; and claims 55, 57, 64 and 65 have been amended to relate the non-absorbable material to one of the textile fabric structures.

Thus, applicant submits that claims 30, 32, 34, 36, 38, 40-43, 46, 49-57 and 59-73 as amended are now free of informalities and in compliance with U.S. practice. Accordingly, reconsideration and withdrawal of the objections is requested.

### **MISCELLANEOUS**

Additionally, the references cited by the Examiner have been reviewed and it is submitted that the claims as amended and herein resubmitted are patentable thereover.

**CONCLUSION**

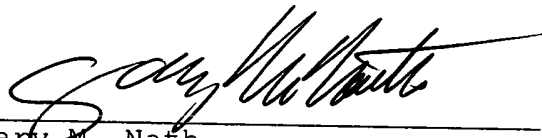
In light of the foregoing, Applicant submits that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

Respectfully submitted,

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**Attachment "A"**

(Marked-up copy of amended claims)

30. (Amended) [Flat] A planar implant for use in surgery with a flexible fabric formed from at least two substantially independently constructed textile fabric structures, which are firmly interconnected over [the] an entire surface of the implant to form a composite structure, wherein substantially all components of the composite structure are formed from monofilaments, with a monofilament having a thickness of 10 to 500  $\mu\text{m}$ , individual textile fabric structures are formed as net structures, at least two nets are provided which have a substantially different structure, at least one fabric structure having openings, the textile fabric structures are interconnected by knitting, the textile fabric structures are so mutually associated that pores of said textile fabric structures are not aligned, the implant is at least partly absorbable in vivo, such that by in vivo degradation of an absorbable material, it is possible to increase pore sizes of openings of the implant, and the implant has a bursting pressure of 100 to 300 kPa.

31. (Canceled)

32. (Amended) [Implant] The implant according to claim [31] 30, wherein the composite components are formed exclusively from monofilaments.

33. (Canceled)

34. (Amended) [Implant] The implant according to claim [33] 30, wherein the thickness is 100 to 150  $\mu\text{m}$ .

35. (Canceled)

36. (Amended) [Implant] The implant according to claim [35] 30, wherein the fabric structures are knitted net structures.

37. (Canceled)

38. (Amended) [Implant] The implant according to claim [37] 30, wherein the nets have a different binding construction.

39. (Canceled)

40. (Amended) [Implant] The implant according to claim [39] 30, wherein the openings have a substantially hexagonal shape.



41. (Amended) [Implant] The implant according to claim 30, wherein the individual textile fabric structures have a pore structure with pore sizes of 0.1 to 10 mm.
42. (Amended) [Implant] The implant according to claim 41, wherein the pore sizes are 0.5 to 5 mm.
43. (Amended) [Implant] The implant according to claim 30, wherein the individual textile fabric structures are produced with different binding constructions.
44. (Canceled)
45. (Canceled)
46. (Amended) [Implant] The implant according to claim [45] 30, wherein the [structure] pores of the textile fabric structures are openings having surface areas, and wherein the surface area of the pores of a first net [and] overlaps with the surface area of the pores of a second net roughly by half.
47. (Canceled)
48. (Canceled)

49. (Amended) [Implant] The implant according to claim 30, wherein at least one of the textile fabric structures is formed substantially from non-absorbable material and at least one other of the textile fabric structures is substantially formed from absorbable material.
50. (Amended) [Implant] The implant according to claim 49, wherein a textile fabric structure having hexagonal openings is formed substantially from non-absorbable material.
51. (Amended) [Implant] The implant according to claim [47] 49, wherein absorbable and non-absorbable materials are present in a ratio of 90:10 to 10:90.
52. (Amended) [Implant] The implant according to claim 51, wherein the materials are present in ratio of 30:70 to 70:30.
53. (Amended) [Implant] The implant according to claim 52, wherein the materials are present in ratio of 50:50.
54. (Amended) [Implant] The implant according to claim 30, wherein a filamentary material for joining the textile fabric structures is formed from absorbable material.

55. (Amended) [Implant] The implant according to claim 30, wherein one of the textile fabric structures comprises a non-absorbable material [has] having a weight per unit area of up to 50 g/m<sup>2</sup>.
56. (Amended) [Implant] The implant according to claim 55, wherein the material weight per unit area is up to 40 g/m<sup>2</sup>.
57. (Amended) [Implant] The implant according to claim 30, wherein one of the textile fabric structures comprises a non-absorbable material [has] having a strength of 16 to 50 N/cm.
58. (Canceled)
59. (Amended) [Implant] The implant according to claim 30, wherein [it] said implant has a bursting elongation of 20 to 50 mm.
60. (Amended) [Implant] The implant according to claim 30, wherein [its extensibility] extensibilities of said implant measured in longitudinal, transverse and diagonal directions in each case differ[s] by no more than 50%.
61. (Amended) [Implant] The implant according to claim 60, wherein the [extensibility values] extensibilities are substantially identical [values].

62. (Amended) [Implant] The implant according to claim 30, wherein [its] a tearing strength measured in longitudinal, transverse and diagonal directions in each case differs by no more than 50%.

63. (Amended) [Implant] The implant according to claim 62, wherein the tearing strengths [values] are substantially identical.

64. (Amended) [Implant] The implant according to claim 30, wherein one of the textile fabric structures comprises a non-absorbable material [is] selected from the group [comprising] consisting of: polypropylene, polytetrafluoroethylene, polytetrafluoroethylene-hexafluoropropylene copolymer, polyethylene terephthalate, polybutylene terephthalate, as well as their mixtures, copolymers and terpolymers.

65. (Amended) [Implant] The implant according to claim 30, wherein one of the textile fabric structures comprises an absorbable material [is] selected from the group [comprising] consisting of: polyglycolide, polylactide, polydioxanone, polyhydroxybutyric acid, polycaprolactone, polytrimethylene carbonate, polytetramethylene carbonate, as well as their mixtures, copolymers and terpolymers.

66. (Amended) [Implant] The implant according to claim 30, wherein the implant is in [the] a form of a belt.

67. (Amended) [Method] A method for the manufacture of a [flat] planar implant by forming at least two independent textile fabric structures and joining said textile fabric structures over their surface area to form a composite structure in [the] a form of a flexible fabric.

68. (Amended) [Method] The method according to claim 67, wherein [the] textile fabric structures in [the] a form of knitwear are produced by knitting.

69. (Amended) [Method] The method according to claim 67, wherein the textile fabric structures are joined together by textile procedures.

70. (Amended) [Method] The method according to claim 67, wherein the textile fabric structures are joined by knitting during their joint production.

71. (Amended) [Use of the] A method of [implant according to claim 30 in] surgery for treating defects in body cavities comprising providing a planar implant with a flexible fabric formed from at least two substantially independently constructed textile fabric structures, which are firmly interconnected over an entire surface of the implant to form a composite structure, wherein substantially all components of the composite structure are formed from

monofilaments, with a monofilament having a thickness of 10 to 500  $\mu$ m, individual textile fabric structures are formed as net structures, at least two nets are provided which have a substantially different structure, at least one fabric structure having openings, the textile fabric structures are interconnected by knitting, the textile fabric structures are so mutually associated that pores of said textile fabric structures are not aligned, the implant is at least partly absorbable in vivo, such that by in vivo degradation of an absorbable material, it is possible to increase pore sizes of openings of the implant, and the implant has a bursting pressure of 100 to 300 kPa.

72. (Amended) [Use] The method according to claim 71, [wherein the implant is used for] further comprising supporting and holding body organs with said implant.

73. (Amended) [Use] The method according to claim 71, [wherein] further comprising providing the implant [is used] as a urinary incontinence belt [for] supporting [the] a female urethra.

**ATTACHMENT "B"**

(Clean Copy of Amended Claims)

30. (Amended) A planar implant for use in surgery with a flexible fabric formed from at least two substantially independently constructed textile fabric structures, which are firmly interconnected over an entire surface of the implant to form a composite structure, wherein substantially all components of the composite structure are formed from monofilaments, with a monofilament having a thickness of 10 to 500  $\mu\text{m}$ , individual textile fabric structures are formed as net structures, at least two nets are provided which have a substantially different structure, at least one fabric structure having openings, the textile fabric structures are interconnected by knitting, the textile fabric structures are so mutually associated that pores of said textile fabric structures are not aligned, the implant is at least partly absorbable in vivo, such that by in vivo degradation of an absorbable material, it is possible to increase pore sizes of openings of the implant, and the implant has a bursting pressure of 100 to 300 kPa.

31. (Canceled)

*BB* 32. (Amended) The implant according to claim 30, wherein the composite components are formed exclusively from monofilaments.

33. (Canceled)

*BB<sup>3</sup>* 34. (Amended) The implant according to claim 30, wherein the thickness is 100 to 150  $\mu\text{m}$ .

35. (Canceled)

*BB<sup>4</sup>* 36. (Amended) The implant according to claim 30, wherein the fabric structures are knitted net structures.

37. (Canceled)

*BB* 38. (Amended) The implant according to claim 30, wherein the nets have a different binding construction.

39. (Canceled)

*BB* 40. (Amended) The implant according to claim 30, wherein the openings have a substantially hexagonal shape.



*B4 Amended*  
41. (Amended) The implant according to claim 30, wherein the individual textile fabric structures have a pore structure with pore sizes of 0.1 to 10 mm.

42. (Amended) The implant according to claim 41, wherein the pore sizes are 0.5 to 5 mm.

*B7*  
43. (Amended) The implant according to claim 30, wherein the individual textile fabric structures are produced with different binding constructions.

44. (Canceled)

45. (Canceled)

*B*  
46. (Amended) The implant according to claim 30, wherein the pores of the textile fabric structures are openings having surface areas, and wherein the surface area of the pores of a first net overlaps with the surface area of the pores of a second net roughly by half

47. (Canceled)

48. (Canceled)

49. (Amended) The implant according to claim 30, wherein at least one of the textile fabric structures is formed substantially from non-absorbable material and at least one other of the textile fabric structures is substantially formed from absorbable material.

50. (Amended) The implant according to claim 49, wherein a textile fabric structure having hexagonal openings is formed substantially from non-absorbable material.

*5/2/01*  
51. (Amended) The implant according to claim 49, wherein absorbable and non-absorbable materials are present in a ratio of 90:10 to 10:90.

52. (Amended) The implant according to claim 51, wherein the materials are present in ratio of 30:70 to 70:30.

53. (Amended) The implant according to claim 52, wherein the materials are present in ratio of 50:50.

54. (Amended) The implant according to claim 30, wherein a filamentary material for joining the textile fabric structures is formed from absorbable material.

55. (Amended) The implant according to claim 30, wherein one of the textile fabric structures comprises a non-absorbable material having a weight per unit area of up to 50g/m<sup>2</sup>.

*59 Canceled*  
56. (Amended) The implant according to claim 55, wherein the material weight per unit area is up to 40 g/m<sup>2</sup>.

57. (Amended) The implant according to claim 30, wherein one of the textile fabric structures comprises a non-absorbable material having a strength of 16 to 50 N/cm.

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58. (Canceled)

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59. (Amended) The implant according to claim 30, wherein said implant has a bursting elongation of 20 to 50 mm.

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*60 Canceled*  
60. (Amended) The implant according to claim 30, wherein extensibilities of said implant measured in longitudinal, transverse and diagonal directions in each case differ by no more than 50%.

61. (Amended) The implant according to claim 60, wherein the extensibilities are substantially identical.

62. (Amended) The implant according to claim 30, wherein a tearing strength measured in longitudinal, transverse and diagonal directions in each case differs by no more than 50%.

63. (Amended) The implant according to claim 62, wherein the tearing strengths are substantially identical.

*210  
Amended*

64. (Amended) The implant according to claim 30, wherein one of the textile fabric structures comprises a non-absorbable material selected from the group consisting of: polypropylene, polytetrafluoroethylene, polytetrafluoroethylene-hexafluoropropylene copolymer, polyethylene terephthalate, polybutylene terephthalate, as well as their mixtures, copolymers and terpolymers.

65. (Amended) The implant according to claim 30, wherein one of the textile fabric structures comprises an absorbable material selected from the group consisting of: polyglycolide, polylactide, polydioxanone, polyhydroxybutyric acid, polycaprolactone, polytrimethylene carbonate, polytetramethylene carbonate, as well as their mixtures, copolymers and terpolymers.

66. (Amended) The implant according to claim 30, wherein the implant is in a form of a belt.

67. (Amended) A method for the manufacture of a planar implant by forming at least two independent textile fabric structures and joining said textile fabric structures over their surface area to form a composite structure in a form of a flexible fabric.

68. (Amended) The method according to claim 67, wherein textile fabric structures in a form of knitwear are produced by knitting.

69. (Amended) The method according to claim 67, wherein the textile fabric structures are joined together by textile procedures.

70. (Amended) The method according to claim 67, wherein the textile fabric structures are joined by knitting during their joint production.

71. (Amended) A method of surgery for treating defects in body cavities comprising providing a planar implant with a flexible fabric formed from at least two substantially independently constructed textile fabric structures, which are firmly interconnected over an entire surface of the implant to form a composite structure, wherein substantially all components of the composite structure are formed from monofilaments, with a monofilament having a thickness of 10 to 500  $\mu\text{m}$ , individual textile fabric structures are formed as net structures, at least two nets

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are provided which have a substantially different structure, at least one fabric structure having openings, the textile fabric structures are interconnected by knitting, the textile fabric structures are so mutually associated that pores of said textile fabric structures are not aligned, the implant is at least partly absorbable in vivo, such that by in vivo degradation of an absorbable material, it is possible to increase pore sizes of openings of the implant, and the implant has a bursting pressure of 100 to 300 kPa.

72. (Amended) The method according to claim 71, further comprising supporting and holding body organs with said implant.

73. (Amended) The method according to claim 71, further comprising providing the implant as a urinary incontinence belt supporting a female urethra.

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